

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

AMEREN MISSOURI,

Defendant.

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Case No. 4:11-CV-00077-RWS

**NOTICE OF WAIVER OF DEMAND FOR CIVIL PENALTIES
IN THIS PENDING CLEAN AIR ACT ENFORCEMENT ACTION**

Plaintiff United States of America, acting on behalf of the United State Environmental Protection Agency, hereby gives notice that it will not seek civil penalties against Defendant Ameren Missouri (“Defendant”) for violations of the foregoing at its Rush Island coal-fired power plant located in Festus, Missouri: (a) the New Source Review (“NSR”), Prevention of Significant Deterioration (“PSD”) provisions of the CAA, 42 U.S.C. §§ 7470-92 and applicable implementing regulations; (b) the federally approved and enforceable Missouri State Implementation Plan (“Missouri SIP”); (c) Title V of the Act, 42 U.S.C. §§ 7661-7661f; (d) federal regulations implementing Title V of the Act at 40 C.F.R. Part 70; and (d) Missouri’s federally approved Title V program, 10 C.S.R. 10-6.065. During the remedy phase and in all other phases of this action, Plaintiff United States will seek only equitable and injunctive relief from the Court to redress the foregoing Clean Air Act violations. The United States will not seek and hereby waives its demand for civil penalties as referenced in Paragraphs 1, 54, 69, 74, 83, 92 and in Paragraph 7 of the Prayer for Relief in the Third Amended Complaint (ECF No. 249) for the Clean Air Act violations alleged in the instant action at the Rush Island Plant.

Respectfully submitted,

/s/ James W. Beers, Jr.

JAMES W. BEERS, JR.

Senior Counsel

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Counsel for Plaintiff United States of America

I hereby certify that on November 30, 2015, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system, which will cause an electronic copy to be served on counsel of record.

/s/ James W. Beers, Jr.